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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,182	12/05/2001	Tal Cohen	COHEN2 (11588.111436)	6925
6980	7590	10/06/2005	EXAMINER	
TROUTMAN SANDERS LLP BANK OF AMERICA PLAZA, SUITE 5200 600 PEACHTREE STREET, NE ATLANTA, GA 30308-2216			PESIN, BORIS M	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,182	Applicant(s) COHEN ET AL	
	Examiner Boris Pesin	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-47 and 64-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-47 and 64-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 07/11/2005.

Claims 3-47 and 64-74 are pending in this application. Claims 3 and 64 are independent claims. In the amendment filed 07/11/2005, Claims 3, 7, 10-15, 25, 31-32, 34-38, 45, and 64-72 were amended and claims 73 and 74 were added as new. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-47 and 83 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner believes that the limitation "wherein at least one of the user accesses is to an object of interest that is not in the task sequence" is not supported by

the specification. The Examiner phoned the Attorney of record for clarification in this matter on September 21st 2005. The Attorney explained that he felt that the limitation is supported by the specification, in particular on Page 7. He specifically pointed out from the passage, "For instance, a task could be defined as completing steps one through four. The user could then inquire as to how frequently this task is completed or the typical manner in which the task is or is not completed." The Attorney acknowledged if the task was not completed that it was inherent that user must have accessed an object that is not in the task sequence. While the Examiner agrees that accessing an object that is not in a task sequence can be a reason for not completing a task, it is not inherent that it is the only way to not complete the task. Another way a task can be incomplete is if the user simply closes the executing window. Therefore it is neither inherent nor supported by the specification that at least one of the user accesses is to an object of interest that is not in the task sequence.

Because of the 35 U.S.C. 112 first paragraph rejection, claims 3-47 and 73 will not be treated on its merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 64-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Louviere et al. (US 6934748).

In regards to claim 64, Louviere teaches defining a task as a predetermined sequence of accesses to one or more objects of interest of said plurality of objects of interest (i.e. "an automated method for experimentation includes: defining an experiment relating to various treatments for a set of content elements; conducting the experiment over a data network; collecting over the data network observation data relating to user behavior for each treatment; and generating at least one script to coordinate defining an experiment, conducting the experiment, and collecting observation data" Column 1, Line 48); accessing data representative of one or more sequences of user accesses to said one or more of said plurality of objects of interest (i.e. "an automated method for experimentation includes: defining an experiment relating to various treatments for a set of content elements; conducting the experiment over a data network; collecting over the data network observation data relating to user behavior for each treatment; and generating at least one script to coordinate defining an experiment, conducting the experiment, and collecting observation data" Column 1, Line 48); filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses (i.e. "The data produced from each experiment specifies outcomes relevant to the objectives set by content provider 14. Once the experiments are completed, this data may be transferred to

model engine 32 to identify the degree to which the content elements influence the behavior of users 16. That is, model engine 32 uses the results or data collected during the various experiments to create one or more behavioral models of human decisions and choices." Column 10, Line 65); and displaying information regarding how the filtered user accessed the objects of interest (i.e. "Content provider interface 38 can be in communication with content store 24 (in content system 10), experiment engine 30, and observation module 36. Content provider interface 38 receives model results and initiates analysis, evaluation, selection, calibration, and basic reports. Content provider interface 38 generally supports an interface between communication management: system 12 and a human user at content provider 14, such as an information services manager. Content provider interface 38 allows the manager user to ask questions, record and test scenarios, and generate or obtain reports to quantify results." Column 13, Line 65).

In regards to claim 65, Louviere teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that completed said task (i.e. "An instance of a treatment allocation is deemed to be a "success" if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a "failure" if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to

characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.)." Column 12, Line 43).

In regards to claim 66, Louviere teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that started said task (i.e. "An instance of a treatment allocation is deemed to be a "success" if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a "failure" if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.)." Column 12, Line 43).

In regards to claim 67, Louviere teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that started said task but did not complete the task (i.e. "An instance of a treatment allocation is deemed to be a "success" if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a "failure" if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser).

Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.).” Column 12, Line 43).

In regards to claim 68, Louviere teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that accessed said resource from a predetermined set of resources (i.e. “An instance of a treatment allocation is deemed to be a “success” if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a “failure” if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.).” Column 12, Line 43).

In regards to claim 69, Louviere teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that accessed said resource from a predetermined set of resources and then completed the task (i.e. “An instance of a treatment allocation is deemed to be a “success” if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a “failure” if a user 16 does not react in a desired

manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.)." Column 12, Line 43).

In regards to claim 70, Louviere teaches computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that accessed said resource from a predetermined set of objects of interest and then started the task (i.e. "An instance of a treatment allocation is deemed to be a "success" if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a "failure" if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.)." Column 12, Line 43).

In regards to claim 71, Louviere teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that accessed said resource from a predetermined set of objects of interest and then completed the task (i.e. "An instance of a treatment allocation is deemed to

be a "success" if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a "failure" if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.)." Column 12, Line 43).

In regards to claim 72, Louviere teaches a computer-implemented method of claim 64, wherein the step of filtering user accesses by comparing the task sequence to the data representative of one or more sequences of user accesses identifies one or more users that completed said task and then accessed one or more of a predetermined set of objects of interest (i.e. "An instance of a treatment allocation is deemed to be a "success" if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a "failure" if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.)." Column 12, Line 43).

In regards to claim 74, Louviere teaches the computer-implemented method of claim 64 wherein one or more of the one or more sequences of user accesses are representative of physical users (i.e. "An instance of a treatment allocation is deemed to

be a "success" if a user 16 reacts in a desired manner to the treatment; an instance of a treatment allocation is deemed to be a "failure" if a user 16 does not react in a desired manner to the treatment. Covariates are variables which relate to or represent users 16. For example, covariates may relate to characteristics of an end user (e.g., particular computer and web browser). Further, covariates may relate to characteristics of usage (e.g., buttons clicked, navigation options selected, information submitted, purchases made, etc.)." Column 12, Line 43).

Response to Arguments

Applicant's arguments with respect to claims 64-72 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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